Weber v. Palin Doc. 1

ARNO WEBER
13350 Westwind Drive
Anchorage, Alaska 99516
(907) 345 - 2388
*Pro Se*

RECEIVED
AUG 08 2008
CLERK, U.S. DISTRICT COURT
ANCHORAGE, A.K.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

ARNO WEBER,

Plaintiff,

Vs.

SARAH PALIN, GOVERNOR, of THE STATE OF ALASKA

Defendant.

No. ~~A 08~~ - 3:08-CV-00186-RRB ~~CV~~

**COMPLAINT**

AND NOW, comes the Plaintiff, ARNO WEBER, proceeding *pro se*, and for his complaint against Defendant, UNITED STATES, charges as follows:

**Exhaustion**

All administrative remedies have been exhausted.

Dockets.Justia.com

## Jurisdiction

Weber is a resident of the geographical area comprising the United States District Court District of Alaska and has resided therein at all times relevant herein.

Defendant acted under color of law to violate Weber's constitutional rights, in clear, flagrant, and willful violation of 42 U.S.C. § 1983.

Jurisdiction is conferred on this Court by the provisions of AS 22.10.020, 28 U.S.C. § 1331, and 42 U.S.C. § 1983, 1985, 1988 and others.

## Statement of Facts

1. Plaintiff was illegally convicted of a felony in Alaska case 3AN-98-347 CR without grand jury indictment, trial, or effective assistance of counsel.

2. Weber was held four and a half months in excess of his sentence.

3. Justice in this case is best served by granting injured parties a full, fair, and open hearing before an unbiased tribunal.

## Real Injury or wrong

COUNT I

Elements acting under color of Defendant's authority illegally convicted Plaintiff of a felony in Alaska case 3AN-98-347 CR without grand jury indictment, trial, or effective assistance of counsel.

COUNT II

Elements acting under color of Defendant's authority held Plaintiff four and a half months in excess of his sentence.

COUNT III

Elements acting under color of Defendant's authority acted under color of authority in engaging in the acts referred to herein.

COUNT IV

Elements acting under color of Defendant's authority illegally inflicted emotional distress.

COUNT V

Elements acting under color of Defendant's authority has deprived Weber of a liberty interest protected by Article VIII of the Constitution of the United States and has therefore violated provisions of 42 U.S.C. § 1983.

COUNT VI

Elements acting under color of Defendant's authority acted deliberately and negligently in violation of law and caused offense to the traditional notions of due process, justice, and fair play.

COUNT VII

Elements acting under color of Defendant's authority illegally interfered with Weber’s civil rights.

COUNT VIII

Elements acting under color of Defendant’s authority illegally, tortuously, and with callous disregard, denied Weber equal protection of the law in violation of Article XIV of the U.S. Constitution.

COUNT IX

Elements acting under color of Defendant’s authority illegally inflicted cruel and unusual punishment on Weber in violation of the 8th Amendment of the United States.

COUNT X

Elements acting under color of Defendant’s authority violated Federal law by acting under authority of the law to illegally deprive Weber of his rights to due process protected by the U.S. Constitution and laws of the United States.

COUNT XI

The State Courts erred in failing to give due consideration to the issues at hand.

COUNT XII

The State courts made their findings on speculation where they should have based their decisions on clear and convincing evidence.

**Relief**

WHEREFORE Weber respectfully prays for a judgment against Defendant, the State of Alaska, as follows:

1. That Defendant pay punitive and compensatory damages to Weber.

2. That Defendant pay damages in an amount yet to be determined.

3. That Defendant pay punitive damages for the violations of Weber's civil rights of Weber as set forth herein.

4. That Defendant pay damages for the intentional infliction of emotional distress caused Weber.

5. That the amount of damages claimed exceeds $ 50,000.00, the exact amount to be determined by consensus, and for leave of the Court to conform to said consensus.

6. Injunctive relief in the form of assistance in recovering Weber's paperwork from Alaska Department of Corrections.

7. For such other just and equitable relief deemed appropriate by the court.

RESPECTFULLY SUBMITTED this 5th day of August, 2008 at Anchorage, Alaska.

ARNO WEBER
*Pro se*